

34. K. L. Ranches, Inc.
Eldon L. White, Pres.
Box Y - Pilot Rock, Or. 97868

3470

STATUS OF APPLICATION

Change in point of diversion
Date filed 8-26-76
Date of hearing _____
Place of hearing _____
Date of order 11-9-76 Vol. 28, page 114
Date for application of water 10-1-77
Proof mailed _____
Proof received _____
Certificate issued JUL 2 1987 Vol. 52, page 56395
Survey 3/77

DESCRIPTION OF WATER RIGHT

Name of stream Butter Creek
Trib. of _____ County of Umatilla
Use irrigation and stock
Quantity of water _____ No. of acres _____
Name of ditch Mulliford
Date of priority _____
In name of _____
Butter Creek Adjudication, Vol. 1, page 271
App. No. _____ Per. No. _____ Cert. No. 2677
Certificate cancelled _____
Notation made on record by _____

FEE PAID

Date	Amount	Receipt No.
<u>8-26-76</u>	<u>35.00</u>	<u>55737</u>
<u>8-26-76</u>	<u>5.00 P.O.N.</u>	<u>55738</u>
TOTAL . . .		
	Cert. Fee	

FEE REFUNDED

Date	Amount	Check No.

REMARKS

INDEX CARDS:

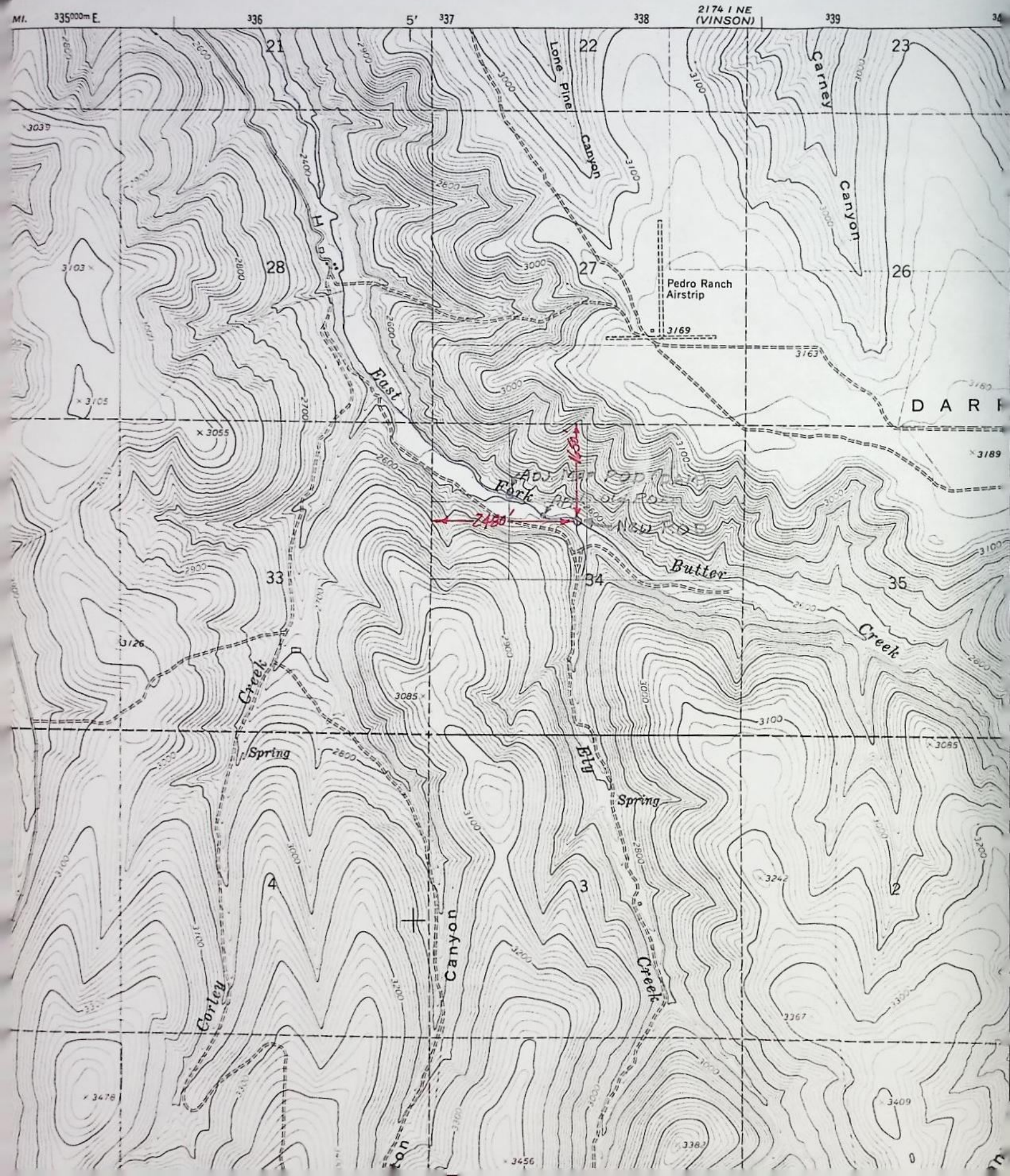
Entered Checked

<u>WH</u>	Name	<u>✓</u>	
<u>WH</u>	Stream	<u>✓</u>	
<u>WH</u>	Pt. of Div.	<u>✓</u>	
<u>WH</u>	Calendar	<u>✓</u>	
<u>✓</u>	Twp. & Rge.	<u>WH</u>	
<u>✓</u>	Decree-vault	<u>WH</u>	
<u>✓</u>	Decree-safe	<u>WH</u>	
<u>✓</u>	Cert. of W/R	<u>WH</u>	
	Per. Folder		
	Chainindex		
	Cross Ref.		
	Power Claim		
	Abstracts		

ES
INTERIOR
RVEY

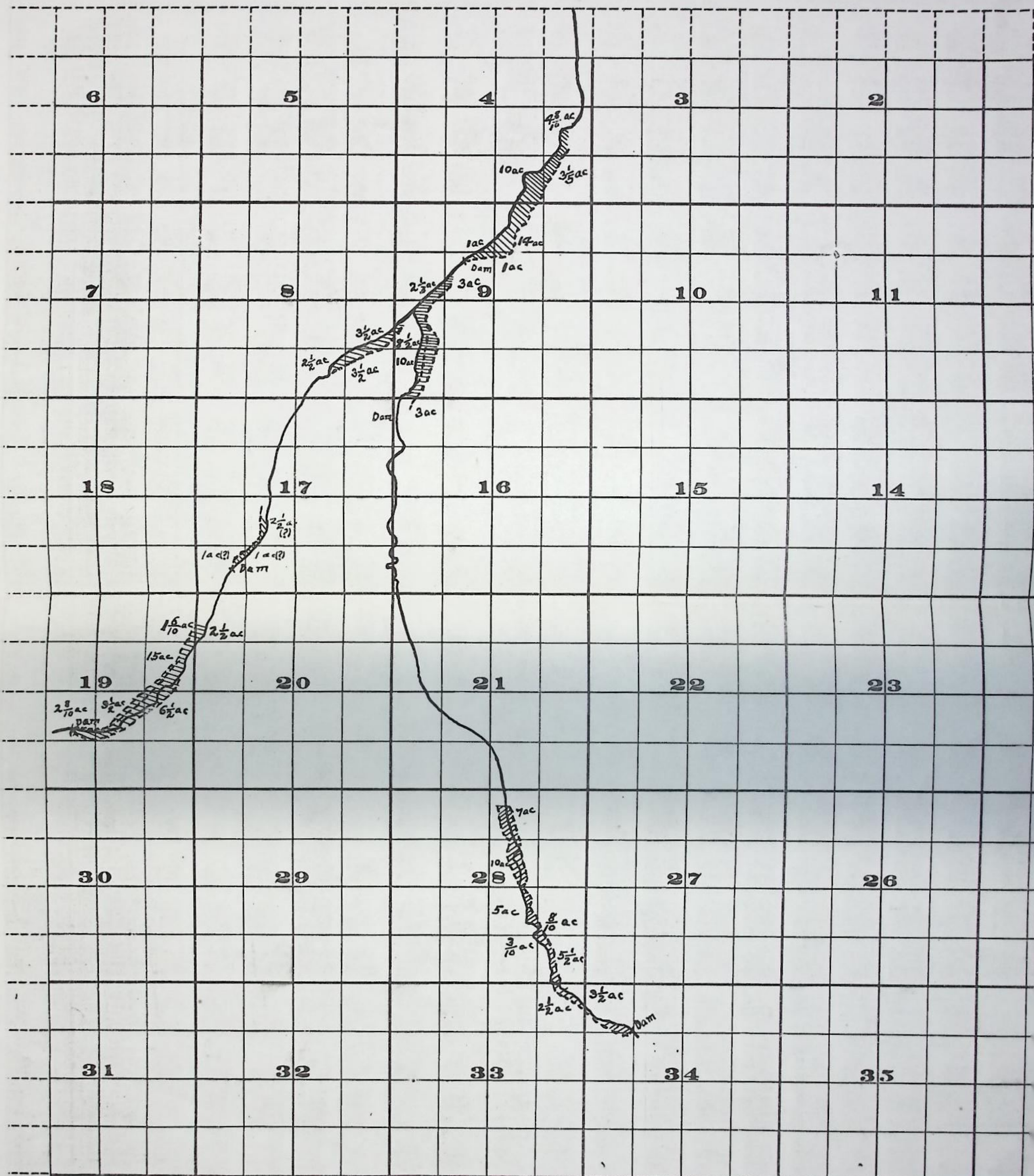
T 2 S, R 30 E

1650'S
57400'E



Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
2677 McCracken, M., Nye, Oregon	1885	1.28 ~	64.1	Irrigation stock	Gulliford ditches	Butter Creek ✓	9.1 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 8.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 5.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 3.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21; 1 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$.5 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 5.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28; 2.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33; 3.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, Tp. 2 S. R. 30 E., W. M.; all in Tp. 2 S. R. 30 E., W. M., all in Umatilla County, Ore.
2678 Moore, Jesse, Echo, Oregon	1872 1885	1.25 1.88 3.13	169 7.4 101.6	Irrigation	Penington ditch	Butter Creek ✓	13 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 13 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 35 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19; NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, Tp. 3 N. R. 28 E., W. M.; 6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$

Range 30 E.W.M. .



FROM OFFICE OF THE STATE ENGINEER

Surveyed by Rhea Luper Aug. 1909
John H. Lewis - State Engineer.
Examined May 9, 1910.

ADJUDICATION - UMATILLA RIVER^{and}

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION
OF K. L. RANCHES, INC., FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM BUTTER
CREEK

ORDER APPROVING
TRANSFER NO. 3470

On August 26, 1976, K. L. Ranches, Inc., by Elden L. Waite, President, filed an application for transfer of water right in the office of the Water Resources Director proposing a change in point of diversion under an existing right of record from Butter Creek.

Certificate of water right issued to M. McCracken and recorded at Page 2677, Volume 3, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.28 cubic feet per second from Butter Creek for stock use and irrigation of 9.1 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 8.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 5.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 3.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21; 7.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 10.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.0 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 5.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 0.5 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28; 2.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33; and 3.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 2 South, Range 30 East, W.M., with a date of priority of 1885.

These lands are irrigated by means of the Gulliford ditch from a point of diversion located 1600 feet South and 1935 feet East from the Northwest corner of Section 34, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 2 South, Range 30 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion and irrigate these lands from a point of diversion to be located 1810 feet South and 2530 feet East from the Northwest corner of Section 34, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 2 South, Range 30 East, W.M.

Mr. William I. Porfily, Watermaster of District No. 5, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion from Butter Creek described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 1.28 cubic feet per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

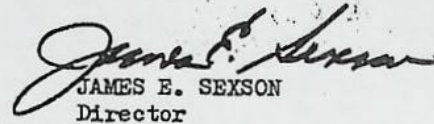
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1977.

It is FURTHER ORDERED that the certificate of water right heretofore issued to M. McCracken and recorded at Page 2677, Volume 3, State Record of Water Right Certificates, is canceled, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water

to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to K. L. Ranches, Inc.

Dated at Salem, Oregon, this 9th day of November, 1976.


JAMES E. SEXSON
Director

STATE OF OREGON

COUNTY OF

UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

K. L. RANCHES, INC.,
ELDEN L. WAITE, PRESIDENT

of 2303 Century Blvd., LaGrande, State of OR 97850, has
a right to the use of the waters of East Fork Butter Creek

a tributary of Umatilla River for the purpose of
irrigation of 64.2 acres and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Umatilla County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 3, at page 250; that the priority of the right
thereby confirmed dates from 1885

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 1.28 cubic feet
per second, if available at the original point of diversion in the SE 1/4
NW 1/4, Section 34, T2S, R30E, WM; Gulliford Ditch - 1600 feet South and 1935
feet East from NW corner Section 34.

The point of diversion is located in the SE 1/4 NW 1/4, Section 34, T2S, R30E, WM;
1650 feet South and 2480 feet East from NW corner Section 34.

A description of the place of use under the right, and to which such right is appurtenant, is as
follows:

9.1 acres NW 1/4 NW 1/4	7.0 acres NW 1/4 NE 1/4
8.2 acres SW 1/4 NW 1/4	10.0 acres SW 1/4 NE 1/4
5.3 acres NE 1/4 SW 1/4	1.0 acre NE 1/4 SE 1/4
3.0 acres NW 1/4 SW 1/4	5.0 acres NW 1/4 SE 1/4
3.6 acres SW 1/4 SE 1/4	0.5 acre SW 1/4 SE 1/4
Section 21	5.5 acres SE 1/4 SE 1/4
	Section 28
2.5 acres NE 1/4 NE 1/4	
Section 33	3.5 acres NW 1/4 NW 1/4
	Section 34
	Township 2 South, Range 30 East, WM

This certificate is issued to confirm a change in point of diversion approved
by an order of the Water Resources Director entered November 9, 1976, and
supersedes certificate of water right recorded at page 2677, Volume 3, State
Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of
the water right in regard to the provisions of ORS 540.610 pertaining to
forfeiture or abandonment.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein
described.

WITNESS the signature of the Water Resources Director, affixed

this date July 2, 1987

/s/ William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 52, page 56395

0108E/SPA
T-3470

CHANGE IN POINT OF DIVERSION

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR**RECEIVED**

NOV 19 1984

WATER RESOURCES DEPT.
SALEM, OREGONCounty UmatillaTransfer No. 3470

1. Name K, L. Ranches, Inc. Address Rt. 2, Box 2249, LaGrande 97850
2. Source of Supply Butter Creek, Trib. of _____
3. Amount of Water 1.28 c.f.s. Priority Date 1885
4. Use stock use and irrigation
5. Proposed Point of Diversion 1810 ft. S. and 2530 ft. E. from NW corner of
Sec. 34, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 34, T. 2 S., R. 30 E., W.M.
6. Place of Use _____ DATE FOR APPLICATION OF WATER: 10/1/77

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
2S.	30E	21	NW $\frac{1}{4}$ NW $\frac{1}{4}$		9.1 acres
2S	30E	21	SW $\frac{1}{4}$ NW $\frac{1}{4}$		8.2 acres
2S	30E	21	NE $\frac{1}{4}$ SW $\frac{1}{4}$		5.3 acres
2S	30E	21	NW $\frac{1}{4}$ SW $\frac{1}{4}$		3.0 acres
2S	30E	21	SW $\frac{1}{4}$ SE $\frac{1}{4}$		3.6 acres
2S	30E	28	NW $\frac{1}{4}$ NE $\frac{1}{4}$		7.0 acres
2S	30E	28	SW $\frac{1}{4}$ NE $\frac{1}{4}$		10.0 acres
2S	30E	28	NE $\frac{1}{4}$ SE $\frac{1}{4}$		1.0 acre
2S	30E	28	NW $\frac{1}{4}$ SE $\frac{1}{4}$		5.0 acres
2S	30E	28	SW $\frac{1}{4}$ SE $\frac{1}{4}$		0.5 acre
2S	30E	28	SE $\frac{1}{4}$ SE $\frac{1}{4}$		5.5 acres
2S	30E	28	NE $\frac{1}{4}$ NE $\frac{1}{4}$		2.5 acres
2S	30E	34	NW $\frac{1}{4}$ NW $\frac{1}{4}$		3.5 acres

NO

Dennis Wade

Advice Report
11-14-84
3-31-87 VLC

443-6881 - Ranch
943-2279 - HQ

Owner: K-L Ranches
Info: Dennis Waite

Remarks: Mr. Waite said a dam was put in right where Ely Cr. & E. Fk Butter Cr. come together. He said it was wood & riprap. He also said it washed out the first year (1976) and hasn't been replaced yet. He says they do plan to replace the dam in the future. In the mean time they use a pump down stream. Mr. Waite didn't want to make proof on the pump point, but wants the dam point since that is where he needs to divert for a gravity system.

Adverse Report - washed out & not replaced

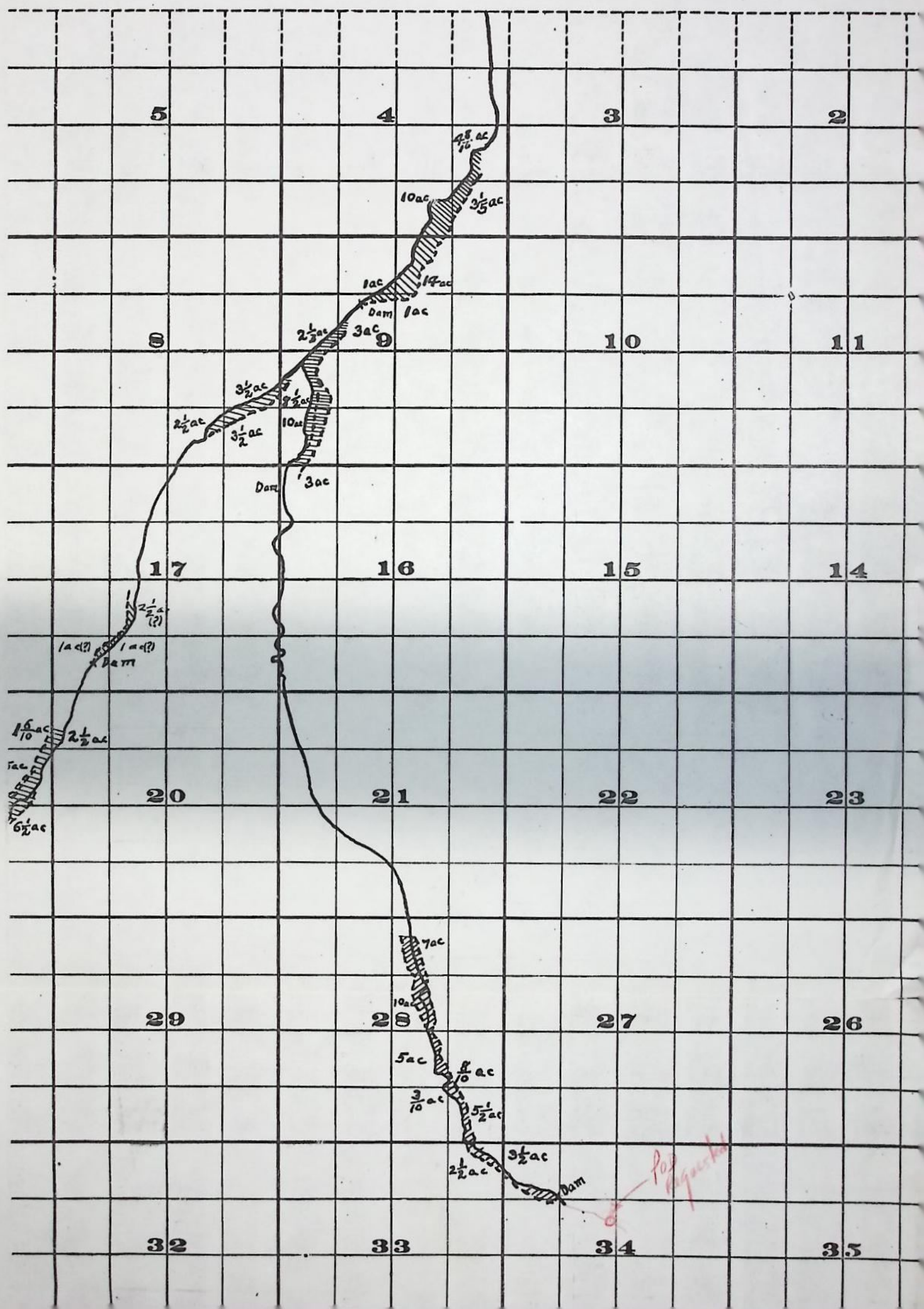
11-14-84
Larry H. Jensen
Watermaster

Remarks Mrs Waite stated they have not replaced the dam. It is still the same has when Larry Nunn was there. I did not go into the pump with Mrs Waite. It would have been after "C" date and more than a quarter ^{mile} from P.O.D.

Adverse Report 3-31-87 Denver / Chris WRE

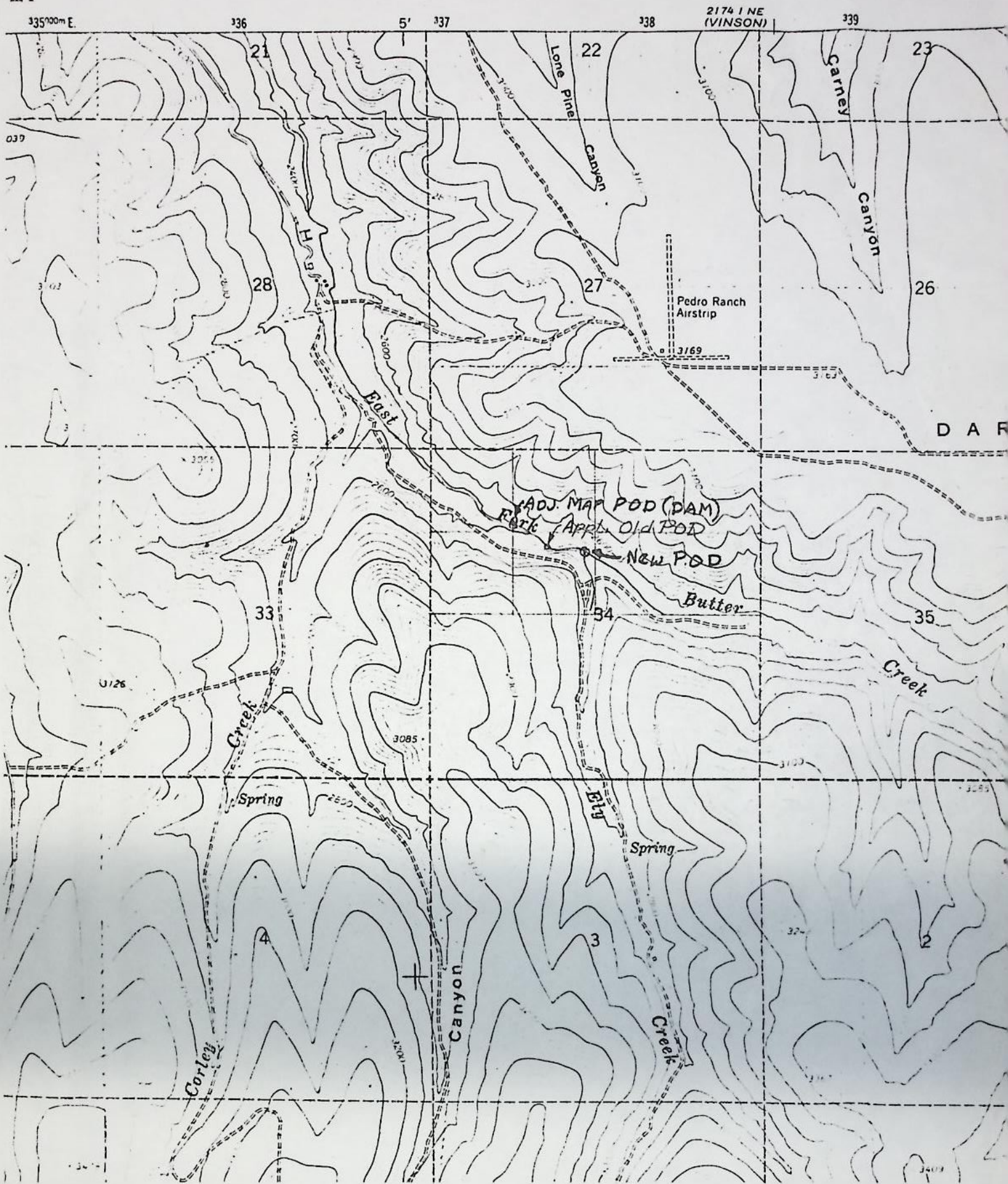
Inspection of quad info. Dam located @ confluence of East Butter Cr. & Ely Creek. New survey not necessary. All

Township 2 S. , Range 30 E.W.M.



INTERIOR
EY

T2S, R30E



Transfer No. 3470

NOTICE OF COMPLETION OF CONSTRUCTION

I, K.L. Ranches, Inc. Elden L. Waite, Pres. hereby certify
that the construction work has been completed and the change in point
of diversion of water made as set forth in the order of the Water
Resources Director dated Nov. 9, 1976, approving an application
for a change in point of diversion of water from Butter Creek
_____.

Mar. 10, 1977

Dated

K.L. Ranches, Inc.

Name

Elden L. Waite, Pres.

RECEIVED

MAR 11 1977

WATER RESOURCES DEPT.
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF THE PARTIAL)
CANCELATION OF A WATER RIGHT)
IN THE NAME OF M. McCRACKEN)

O R D E R

On October 4, 1976, Elden L. Waite submitted an affidavit that he is the owner of a water right and the lands to which the right is appurtenant; that he has abandoned any and all interest in and to the said water right and authorized the Water Resources Director to clear the records in regard to said water right.

The water right in question is part of that evidenced by certificate recorded at Page 2677, Volume 3, State Record of Water Right Certificates, and is for the appropriation of water from Butter Creek, with a priority date of 1885 for domestic use.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the water right for the use of water from Butter Creek, with a priority date of 1885, for domestic use, is canceled.

Dated at Salem, Oregon, this 18th day of October, 1976.

/s/ JAMES E. SEXSON
Director

A F F I D A V I T

STATE OF OREGON }
County of Umatilla } ss.

I, Elden L. Waite, being first duly sworn, depose and say that I am president of K. L. Ranches, Inc., owner of the lands to which a certain water right for domestic use from Butter Creek, as more fully set forth in the certificate recorded at Page 2677, Volume 3, State Record of Water Right Certificates, in the name of M. McCracken, is appurtenant, that water has not been taken from Butter Creek under the said water right for the past five and more years for domestic use and, therefore, I authorize the Water Resources Director to clear the records in regard to said water right.

IN WITNESS WHEREOF, I have hereunto set my hand this 1
day of October, 1976.

Elden L. Waite
Signed

Subscribed and sworn to before me this 1 day of October, 1976.

Margie D. Harn
Notary Public for Oregon

My commission expires 1-27-78

RECEIVED
OCT 04 1976
WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That M. McCracken

of Nye State of Oregon has a right to the use of the waters of Butter Creek, a tributary of the Umatilla River,

for the purpose of the irrigation of 64.1 acres of land, domestic and stock use,

affidavit for cancellation of Dam rec'd 10-5-76

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 3, at page 250 ; that the priority of the right hereby confirmed dates from 1885;

that the amount of water to which such right is entitled and hereby confirmed for the purpose aforesaid, is limited to an amount actually beneficially used for said purpose, and shall not exceed 1.28 cubic feet per second, and shall be subject to all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 9.1 acres in the Northwest quarter of Northwest quarter; 8.2 acres in the Southwest quarter of Northwest quarter; 5.3 acres in the Northeast quarter of Southwest quarter; 3 acres in the Northwest quarter of Southwest quarter and 3.6 acres in the Southwest quarter of Southeast quarter of Section Twenty-one; 1 acre in the Northeast quarter of Southeast quarter; 5 acres in the Northwest quarter of Southeast quarter; 0.5 acres in the Southwest quarter of Southeast quarter; 5.5 acres in the Southeast quarter of Southeast quarter; 7 acres in the Northwest quarter of Northeast quarter and 10 acres in the Southwest quarter of Northeast quarter of Section Twenty-eight; 2.5 acres in the Northeast quarter of Northeast quarter of Section Thirty-three; 3.5 acres in the Northwest quarter of Northwest quarter of Section Thirty-four, Township Two South, Range Thirty, East of Willamette Meridian, in Umatilla County, Oregon.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the State

Water Board

I, affixed this 29th day

of December, 1919..

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By Percy A. Cupper,
State Engineer, President

Attest:

R. W. Potter,
Secretary

Recorded in State Record of Water Right Certificates, Volume 3, page 2677 .

T*3470

Note: Dam. was not included in the right in the decree

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION }
OF K. L. RANCHES, INC., FOR THE }
APPROVAL OF A CHANGE IN POINT OF }
DIVERSION OF WATER FROM BUTTER }
CREEK }

ORDER APPROVING
TRANSFER NO. 3470

On August 26, 1976, K. L. Ranches, Inc., by Elden L. Waite, President, filed an application for transfer of water right in the office of the Water Resources Director proposing a change in point of diversion under an existing right of record from Butter Creek.

Certificate of water right issued to M. McCracken and recorded at Page 2677, Volume 3, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.28 cubic feet per second from Butter Creek for stock use and irrigation of 9.1 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 8.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 5.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 3.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21; 7.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 10.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.0 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 5.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 0.5 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28; 2.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33; and 3.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 2 South, Range 30 East, W.M., with a date of priority of 1885.

These lands are irrigated by means of the Gulliford ditch from a point of diversion located 1600 feet South and 1935 feet East from the Northwest corner of Section 34, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 2 South, Range 30 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion and irrigate these lands from a point of diversion to be located 1810 feet South and 2530 feet East from the Northwest corner of Section 34, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 2 South, Range 30 East, W.M.

Mr. William I. Porfily, Watermaster of District No. 5, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion from Butter Creek described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 1.28 cubic feet per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1977.

It is FURTHER ORDERED that the certificate of water right heretofore issued to M. McCracken and recorded at Page 2677, Volume 3, State Record of Water Right Certificates, is canceled, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water

to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to K. L. Ranches, Inc.

Dated at Salem, Oregon, this 9th day of November, 1976.

/s/ JAMES E. SEXSON
Director

Gibraltar Onion Skin

MILLERS FALLS

ALL COTTON

A F F I D A V I T

STATE OF OREGON)
) ss.
County of Umatilla)

I, Elden L. Waite, being first duly sworn, depose and say that I am president of K. L. Ranches, Inc., owner of the lands to which a certain water right for domestic use from Butter Creek, as more fully set forth in the certificate recorded at Page 2677, Volume 3, State Record of Water Right Certificates, in the name of M. McCracken, is appurtenant, that water has not been taken from Butter Creek under the said water right for the past five and more years for domestic use and, therefore, I authorize the Water Resources Director to clear the records in regard to said water right.

IN WITNESS WHEREOF, I have hereunto set my hand this 1
day of October, 1976.

Elden L. Waite
Signed

Subscribed and sworn to before me this 1 day of October, 1976.

Margie D. Larn
Notary Public for Oregon

My commission expires 1-27-78

RECEIVED

OCT 04 1976

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
 AUG 26 1976
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 SEP 21 1976
 WATER RESOURCES DEPT
 SALEM, OREGON

Application for Transfer of Water Right

Ph. 963-2279

To the STATE ENGINEER OF OREGON:

I, K.L. Ranches Inc. Elden L. Waite, President
(Name of applicant)
K.L. Ranches, Inc.
Rte 2 Box 2289
LaGrande, Oregon 97850
 County of Umatilla
 I make application for change in Point
of diversion
(In point of diversion; place of use; use heretofore made of the water)

- The source of present water right is Butter Creek
(Name of stream)
- The use to which the water is applied is Irrigation and Stock
(Irrigation; Mining; Power; Manufacturing; etc.)
- The name of the ditch, canal or pipe line is Gulliford Ditch
- The point of diversion is located 1600 ft. S and 1935 ft. E from the NW
(N. or S.) (E. or W.)
 corner of Sec. 34 being within the 1/4 of NW 1/4
(Section or subdivision)
 of Section 34 Tp. 25 R. 30 E W. M., in the County of Umatilla
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
25	30E	21						9 ¹	8 ²		5 ³	3 ⁰					3 ⁶	
		28		7 ⁰	10 ⁰										1 ⁰	5 ⁰	5 ⁵	
		33		2 ⁵														
		34		3 ²				3 ⁵										

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.
 (Attach separate sheet if necessary)

- Are you the legal owner of the above described lands? yes
(If not owner, explain your interest)
- Has water been used beneficially for the purposes indicated herein during the past 5 years? yes
- What is the date of priority of your water right? 1885
- Was your water right acquired by State Engineer's Permit? No If so, give number
(Yes or No)
 of permit

10. Do you hold a water right certificate? yes If so, give number of certificate 2677
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

yes If so, give title of proceedings Sept. 9, 1916 Part of Umatilla River
(Yes or No) Decree (Butter Creek)

12. Is the water right recorded in your name? No Mo McCracken
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 1810 ft. S and 2530 ft. E from the NW
corner of Sec. 34 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34 Tp. 25 R. 30E W. M.,
(Smallest legal subdivision) (N. or S.) (E. or W.)
in the county of Umatilla The name of the ditch to be used is Culliford ditch
(No. N. or S.) (No. E. or W.)

15. Are you the owner of the land on which the proposed point of diversion is to be located? yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

DOES NOT APPLY 18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? NO
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

DOES NOT APPLY 20. Reasons for the proposed changes are old dam keeps washing
out moving upstream 600ft to a better
sight.

EXCISE
WATER RESOURCES DEPT
20151010
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AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of

Union

ss.

I, Elden L. Waite, Pres K.L. Ranches Inc, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 16 day of August, 1976

Elden L. Waite, President
(Name of applicant)

Subscribed and sworn to before me this 16 day of August, 1976

[Notarial Seal]

Michael V. Johnson
NOTARY PUBLIC FOR OREGON

My commission expires 9 Nov 1976

Remarks

Application is on the advise of
US Soil Conservation Bendleton branch
and pursuant to Corporate resolution

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.



STATE OF OREGON

INTEROFFICE MEMO

TO: James W. Carver, Jr.

DATE: October 28, 1976

FROM: William I. Porfily, Watermaster

Bill

SUBJECT: T-3470

To my knowledge this transfer can be made without injury to other existing rights.

There are no measuring devices on the other diversion from Butter Creek so at this time we will not ask for any measuring devices.

RECEIVED

OCT 29 1976

WATER RESOURCES DEPT,
SALEM, OREGON